

Message

From: Grisier, Mary [Grisier.Mary@epa.gov]
Sent: 1/31/2019 5:13:48 PM
To: Robinson, Brittany [Robinson.Brittany@epa.gov]
CC: Garnett, Desean [Garnett.Desean@epa.gov]; TenBrook, Patti [TenBrook.Patti@epa.gov]
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement

Thanks Brittany! It's nice to hear from you.

I wanted to let you know that HDOA has a new Chairperson – Denise Albano. She may be the appropriate contact for this issue, although Phyllis is likely more familiar with the informal resolution.

Let me know if I can be of help with anything.

Mary

From: Robinson, Brittany
Sent: Thursday, January 31, 2019 8:10 AM
To: Garnett, Desean <Garnett.Desean@epa.gov>; TenBrook, Patti <TenBrook.Patti@epa.gov>; Grisier, Mary <Grisier.Mary@epa.gov>
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement

Hello everyone,

Welcome back! I hope this note finds everyone well. I wanted to provide you with an update on the current status of the informal resolution discussions with HDOA. I was able to share all of EPA's most recent comments and edits with Delanie before the shut down and she responded last week with their updated version. I have spoken to folks here and there is still some concern regarding the structure of the Agreement, which are similar to concerns you previously raised concerning the "continuing" actions identified in the draft Agreement.

Please take a look at this latest version and let me know if anything else stands out to you. I am checking schedules for next week to see if the entire investigative team can get together to walk through the Agreement, in preparation for a follow up call with HDOA. In addition, I have been asked to reach out to someone besides the current ADC point of contact to move that section forward.

As an aside, not sure if you are aware, but there has been a leadership change for HDOA and ADC. The new lead's name is Acting Chairperson Phyllis Shimabukuro-Geiser. We are hoping that maybe this could lead to better traction with ADC.

Let me know if you have any questions. Thanks!

From: Garnett, Desean
Sent: Tuesday, December 11, 2018 12:54 PM
To: Robinson, Brittany <Robinson.Brittany@epa.gov>
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement

Hi Brittany,

I've attached Region 9's comments and edits. I still think that the language in many paragraphs in the specific commitments section that HDOA "will continue" to do certain things doesn't add much value to the agreement. It does seem like good background information.

Desean

Desean Garnett
U.S. EPA Region 9
Attorney-Advisor
(415) 972-3046

From: Robinson, Brittany
Sent: Tuesday, December 11, 2018 7:05 AM
To: Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement

Hi Desean-

Just checking to see if you had any additional edits or comments to the draft agreement. I had a brief conversation with Patti and Mary yesterday regarding some of their comments, but wanted to double check with you.

Thanks!

From: Garnett, Desean
Sent: Friday, December 7, 2018 7:26 PM
To: Robinson, Brittany <Robinson.Brittany@epa.gov>
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement

Thanks Brittany, I'll review this with the Region 9 folks early next week. If ADC stalls and HDOA is ready to go with signing the agreement, I'm all for moving along without ADC since they haven't been engaged with us in the informal resolution process.

Desean

Desean Garnett
U.S. EPA Region 9
Attorney-Advisor
(415) 972-3046

From: Robinson, Brittany
Sent: Friday, December 07, 2018 1:40 PM
To: Rhines, Dale <rhines.dale@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; TenBrook, Patti <TenBrook.Patti@epa.gov>; Grisier, Mary <Grisier.Mary@epa.gov>
Subject: FW: I hope this is the FINAL FINAL informal resolution agreement

FYI-

Ex. 5 AC/DP

Ex. 5 AC/DP

If you have any additional input, let me know what you think. Thanks!

From: Robinson, Brittany

Sent: Friday, November 30, 2018 8:18 AM

To: Rhines, Dale <rhines.dale@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; TENBROOK, PATTI <tenbrook.patti@epa.gov>; Grisier, Mary <Grisier.Mary@epa.gov>

Subject: FW: I hope this is the FINAL FINAL informal resolution agreement

FYI-

I just received HDOA's updated draft Agreement. I will review, but please let me know if you have any comments. I will also be scheduling a meeting to discuss ADC because I have not heard back from them yet.

Thanks!

From: Prescott-Tate, Delanie D <delanie.d.prescott-tate@hawaii.gov>

Sent: Thursday, November 29, 2018 9:43 PM

To: Robinson, Brittany <Robinson.Brittany@epa.gov>

Subject: I hope this is the FINAL FINAL informal resolution agreement

Thank you for being so patient. Attached is what I hope will be the very LAST DRAFT.

One thing – I removed references to 40 CFR Part 5 – Not that we have any objection to adhering to Title IX, it's just that throughout this entire process Title IX was never specifically mentioned in any of the documents, and all allegations and responses have been directed to Title VI, so it seems unfair at this point in time to drag Title IX into the resolution agreement. I think the statement in paragraph I. F. about HDOA's commitment to carry out its non-discrimination responsibilities according to the requirements of "Title VI, and any other federal and state non-discrimination laws" should suffice. I hope you agree. The statement could be changed to "non-discrimination laws, rules, and regulations" if needed to be all inclusive.

I also updated the citations to Act 045 – the session laws were published but still no actual updated statute numbers have been assigned (well, they may have been assigned, just not published).

To briefly answer your questions: I am pretty much "okay" with the "rewrites" and have incorporated language that addresses the issues raised where I could. Let's keep the backlog stuff where it is – moving it to the background section doesn't really work since the background section starts with the complaint in 2016 and HDOA started tackling the backlog in 2015.

Regarding the way HDOA reconcile the RUP purchases against the applicator usage/storage, we don't use a waste manifest per se, but the RUP applicators are asked to account for "theft, transfer, spillage, etc." of any RUP under their control.

Act 045 doesn't specify how the public information is to be made public, but it will be on the HDOA website. In situations where it is advisable to notify the public, other than being posted on the HDOA website, HDOA issues press releases.

HDOA is in the process of translating the anti-discrimination policy and complaint procedures into 14 different languages.

I think that about covers it all. Let me know what you think!

Hope you enjoyed your Thanksgiving holiday!! Can you believe Christmas is just around the corner!?!

Delanie

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